THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.20444 of 2007

27.09.2007

Between

Gollu Achhiyamma and others.

…Petitioners

And

The State of A.P., rep.by the District Collector, East Godavari District, Kakinada and another.

…Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.20444 of 2007

ORDER:

This writ petition is filed by the writ petitioners, who are eight in number, aggrieved by the action of the respondents in issuing notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'), dated 12.09.2007, published in Andhra Prabha, Telugu Daily, on 18.09.2007.

The petitioners are objecting the proposed action of the respondents on the ground that they are small farmers and that Government lands are available within half-a-kilometer distance from the lands of the petitioners which are stated to be situated in Survey No.76 in an extent of Acs.50.00 and in Survey No.120 in an extent of Acs.20.00

of Arempudi village. Since those lands are within the limits of village and just a kilometer distance from the lands of the petitioners, the respondents ought to have acquired those lands, instead of acquiring the lands of the petitioners who are small farmers.

The learned Government Pleader for Land Acquisition, however, stated that enquiry under Section 5-A of the Act has not been dispensed and therefore, the petitioners are at liberty to raise all the objections which could be considered by the Land Acquisition Officer. Hence, the writ petition is premature at this stage.

Heard both sides and considered the material on record.

In the circumstances, the writ petition is dismissed. However, the petitioners are at liberty to raise all their objections, including the objections referred to above, in the enquiry under Section 5-A of the Act, and if such objections are raised, the Land Acquisition Officer is obligated to consider the same and pass appropriate orders in accordance with law. No costs.

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27.09.2007

VGB